

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI**

LADY MAAKIA SMITH,)
)
Plaintiff,)
) Cause No.: 4:20-CV-00804-JMB
v.)
) JURY TRIAL DEMANDED
PHELPS COUNTY SHERIFF'S)
DEPARTMENT, et al.)
)
Defendants.)

**DEFENDANT ADVANCED CORRECTIONAL HEALTHCARE'S MOTION FOR
PARTIAL SUMMARY JUDGMENT**

COMES NOW Defendant, Advanced Correctional Healthcare, by and through counsel, pursuant to Rule 56 of Federal Rules of Civil Procedure and Local Rule 56.1, and states that Plaintiff's allegations against this Defendant are brought in Count I (Deliberate Indifference to Serious Medical Need), Count III (Survival – Medical Negligence), and Count IV (Survival-Negligent Infliction of Emotional Distress) and this Defendant moves this Court for Partial Summary Judgment as to Counts II and IV of Plaintiff's Third Amended Complaint. In support of and pursuant to Rule 56, Defendant Advanced Correctional Healthcare files herewith its Suggestions in Support of its Motion of Partial Summary Judgment, including Defendant's Statement of Uncontroverted Material Facts.

WHEREFORE, for all of the above reasons set forth herein, as well as the reasons set forth in its Statement of Uncontroverted Material Facts and Suggestions in Support, Defendant Advanced Correctional Healthcare prays that this Honorable Court grant its Motion for Partial Summary Judgment, to enter judgment in its favor on Counts II and IV of Plaintiff's Third

Amended Complaint, for costs and expenses incurred, and for any other relief which this Court deems just and proper.

/s/ J. Thaddeus Eckenrode

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing was served via electronic mail on this 21st day of June, 2021 to the following:

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/s/Joan Monninger